

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-7, 9-15, and 17-22 are pending in this case. Claims 4 and 13 are amended by the present amendment. Amended Claims 4 and 13 are supported by the original claims and thus add no new matter.

In the outstanding Office Action, Claims 1, 10, and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1 and 2 of U.S. Patent No. 6,788,441 and Claims 4 and 13 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. However, Claims 2, 3, 11, and 12 were objected to as being dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form. Claims 4 and 13 were indicated as including allowable subject matter if re-written to overcome the rejection under 35 U.S.C. §112, second paragraph. Claims 5-7, 9, 14, 15, and 18-22 were allowed.

Applicants gratefully acknowledge the allowance of Claims 5-7, 9, 14, 15, and 18-22 and the indication that Claims 2-4 and 11-13 include allowable subject matter.

With regard to the non-statutory double patenting rejection of Claims 1, 10, and 17 over Claims 1 and 2 of U.S. Patent No. 6,788,441, the rejection is respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided

for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

With regard to the rejection of Claims 4 and 13 under 35 U.S.C. §112, second paragraph, Claims 4 and 13 are amended herewith to provide antecedent basis for “a hue area selection unit,” “a color,” “a color conversion instruction unit,” “a hue area selection step” and “a color conversion instruction step.” Accordingly, Claims 4 and 13 are believed to be in compliance with all requirements under 35 U.S.C. §112, second paragraph.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

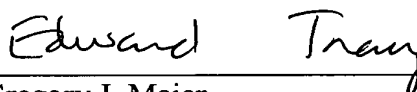
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